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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,669	02/09/2006	Jeong Won Ha	CU-4682 RJS	4004
26530 7590 06/24/2009 LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604				
EXAMINER				
WERT, JOSHUA P				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
06/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/567,669

**Applicant(s)**

HA, JEONG WON

**Examiner**

JOSHUA WERT

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date 3/29/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 2, the phrase "etc" renders the claim indefinite because it is unclear what else can or can not satisfy the claim. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenness et al., 5,373,300 (Jenness) in view of Puzzle Pirates.
6. Regarding claims 1, 3-6 and 9, Jenness discloses a mobile communications terminal (12; laptop) connected through a cellular communications network to a server (Col. 3, lines 28-50; the server being any server connected through the internet and therefore accessible to the mobile communications terminal). Jenness discloses a

mobile system capable of accessing a character management system on the internet but does not disclose a specific system.

Puzzle Pirates (Puzzlepirates.com; overview provided at [http://en.wikipedia.org/wiki/Yohoho!\\_Puzzle\\_Pirates](http://en.wikipedia.org/wiki/Yohoho!_Puzzle_Pirates)) teaches a game with a character management system, accessible on the internet by a device such as disclosed by Jenness, comprising; at least one game server constructed to create and grow one or more characters for each user online (See Wikipedia article for puzzle pirates, specifically the different oceans/servers; users log on and register a character with a specific ocean/server using a login ID and password), at least one database server connected to the game servers to allow characters to be classified (See Wikipedia article for puzzle pirates, users can log on and access their registered character) and a character management server managing the ability levels of the players (See Wikipedia article for puzzle pirates, specifically rankings and experience) storing a plurality of mini games (See Wikipedia article for puzzle pirates, specifically puzzles; different puzzles or mini-games are available to create items, fix items, do battle, or progress in the game by developing the character and equipment) that can be played through a mobile communication terminal (the mobile communication terminal of Jenness can access the puzzles through downloading them from the network) and selectively distribute data about ability levels acquired by the characters (See Wikipedia article for puzzle pirates, specifically rankings).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to access a character management server as taught by Puzzle

Pirates through a system and mobile communications terminal as disclosed by Jenness in order to play and grow the player character while not connected to a landline.

7. Regarding claim 2, Jenness discloses that the telecommunications network accessed by the mobile communications terminal can be that of a cellular company (Col. 3, lines 28-50).

8. Regarding claims 7 and 8, Jenness discloses the mobile communication terminal communicating the network on demand (Col. 3, lines 50-59; wherein the demand for communication can be continuous).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### **\*\*\*EXAMINER'S NOTE\*\*\***

Cited are a number of forum discussions taken from the forum of Puzzle Pirates website, puzzlepirates.com in which there is a lot of discussion at the end of 2003 and the beginning of 2004 about making "offline" puzzles available for mobile phones that would affect characteristics in game when loaded. Furthermore, this feature was made available in 2005 with the UBISoft store release of the game. These references fall in between the US filing and the International filing dates. Since the certified copies of the 371 documents have been submitted in Korean, it is impossible to tell if the International filing contains the claimed subject matter. Therefore, applicant is requested to provide

either a full, or partial translation of the International filing documents with support for the currently claimed invention as well any future amendments. This will ensure a more compact prosecution so that the examiner can provide the best possible art with respect to the correct time at which the applicant had possession of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA WERT whose telephone number is (571)270-1894. The examiner can normally be reached on Monday - Thursday 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/19/2009

/J. W./

Examiner, Art Unit 3714

/Corbett Coburn/  
Primary Examiner  
AU 3714